

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #14	CCRB Case #: 201904107	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/05/2019 7:05 PM	Location of Incident: § 87(2)(b)	Precinct: 71	18 Mo. SOL 10/5/2020	EO SOL 5/22/2021	
Date/Time CV Reported Tue, 05/07/2019 7:18 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/13/2019 11:09 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Luis Lopez	27415	930590	071 PCT
2. POM Anson Lancaster	15549	930525	071 PCT
3. POM Yiyong Ren	14968	956196	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Luis Lopez	Abuse: Police Officer Luis Lopez entered § 87(2)(b) § 87(2)(b), in Brooklyn.	§ 87(2)(b)
B.POM Anson Lancaster	Abuse: Police Officer Anson Lancaster entered § 87(2)(b) § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.POM Yiyong Ren	Abuse: Police Officer Yiyong Ren entered § 87(2)(b) § 87(2)(b) in Brooklyn.	§ 87(2)(b)
D.POM Luis Lopez	Discourtesy: Police Officer Luis Lopez spoke discourteously to § 87(2)(b) § 87(2)(b)	§ 87(2)(b)

Case Summary

On May 7, 2019, § 87(2)(b) filed this complaint with IAB via telephone. The complaint was received at the CCRB on May 13, 2019.

On April 5, 2019, at approximately 7:05 p.m., Police Officer Luis Lopez, Police Officer Anson Lancaster, and Police Officer Yiyong Ren, all of the 71st Precinct, entered § 87(2)(b)'s apartment, located at § 87(2)(b), in Brooklyn (**Allegations A – C: Abuse of Authority**, § 87(2)(g) § 87(2)(b) attempted to flee from the officers and PO Lopez stated, “Don’t fucking play” (**Allegation D: Discourtesy**, § 87(2)(g) § 87(2)(b) was arrested during this incident for § 87(2)(b).

Body-worn camera footage of this incident was received and will be discussed in further detail below.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Luis Lopez entered § 87(2)(b), in Brooklyn.

Allegation (B) Abuse of Authority: Police Officer Anson Lancaster entered § 87(2)(b), in Brooklyn.

Allegation (C) Abuse of Authority: Police Officer Yiyong Ren entered § 87(2)(b), in Brooklyn.

§ 87(2)(g) The investigation established the following facts:
On April 5, 2019, § 87(2)(b) was living at § 87(2)(b), in Brooklyn, with his wife, § 87(2)(b). § 87(2)(b) was the lessee of the apartment. § 87(2)(b) received mail at the location and had an order from Housing Court from § 87(2)(b), which stipulated that he should be added to the family composition of § 87(2)(b) lease. On April 5, 2019, at approximately 7:05 p.m., PO Lopez, PO Lancaster, and PO Ren went to § 87(2)(b)'s apartment to arrest him pursuant to an open complaint report (UF-61 number § 87(2)(b)) filed by § 87(2)(b) on the same day at 3:46 p.m. (BR 01). Upon arriving, the officers met with § 87(2)(b) the Director of Security of the building, who ushered them to § 87(2)(b)'s apartment. § 87(2)(b) knocked on the door and § 87(2)(b) opened the door. PO Lopez immediately put his foot in the door to keep it from closing and informed § 87(2)(b) that there was an open complaint for § 87(2)(b) filed against him and he was going to be placed under arrest. PO Lopez, PO Lancaster, and PO Ren proceeded inside § 87(2)(b)'s apartment and ultimately handcuffed him. § 87(2)(b) was arrested for escape § 87(2)(b).

§ 87(2)(b) (BR 02) testified that at approximately 7:05 p.m., he was sleeping alone at his apartment and awoke to a knock on the door. When § 87(2)(b) asked who was there, a voice responded, “Management.” § 87(2)(b) then opened the apartment door approximately a quarter of the way and PO Lopez immediately put his foot in the door. PO Lopez opened the door fully and he and PO Lancaster entered § 87(2)(b)'s apartment. § 87(2)(b) tried to show PO Lopez the Housing Court paperwork, which stated that he lived in the apartment, but PO Lopez did not want to review it. PO Lopez grabbed § 87(2)(b)'s arm, placed him into handcuffs, and took § 87(2)(b) to the 71st Precinct stationhouse.

In PO Lopez’s body-worn camera footage (BR 03-04), when § 87(2)(b) opens the door, he asks, “Why are you putting your foot in the door, brother?” PO Lopez asks § 87(2)(b) his name and says, “Yeah, I got my foot in the door,” and reaches for a light switch, which he

turns on. PO Lopez informs § 87(2)(b) that there is a report against him and he is going to be arrested for menacing. § 87(2)(b) takes one step back into his apartment and releases the door. PO Lopez moves closer to § 87(2)(b) (see player time stamps <<00:38 – 01:22>>). PO Lopez tells § 87(2)(b) to put sneakers on and walks farther into § 87(2)(b)'s apartment into a bedroom (<<03:28 – 03:43>>). After § 87(2)(b) uses the bathroom, the officers handcuff him (<<09:48>>).

PO Lopez (BR 05), PO Lancaster (BR 06), and PO Ren (BR 07) all consistently testified that the only reason they went to § 87(2)(b)'s apartment was to arrest him.

PO Lopez testified that at approximately 2:55 p.m., he was performing domestic violence visits when he received a call from § 87(2)(b) requesting that he come and speak with a tenant at § 87(2)(b). Upon arriving, PO Lopez met with § 87(2)(b) in an office in the basement, where § 87(2)(b) informed her that § 87(2)(b) lives at her apartment with her. At approximately 4:00 a.m., § 87(2)(b) started yelling at § 87(2)(b) and § 87(2)(b) was worried that § 87(2)(b) was going to hit her, as he had done so in the past. § 87(2)(b) waited until § 87(2)(b) fell asleep before going downstairs and informing a case worker about the incident. PO Lopez took § 87(2)(b) to the stationhouse, where she filed a complaint report for menacing and a domestic violence report against § 87(2)(b). After the complaint report was filed, PO Lopez went back to § 87(2)(b) to affect § 87(2)(b)'s arrest. When § 87(2)(b) opened the door, PO Lopez put his foot in the door to prevent § 87(2)(b) from shutting it, although § 87(2)(b) made no efforts to do so. PO Lopez told § 87(2)(b) there was a complaint against him. The officers then informed § 87(2)(b) that they were “coming in” and § 87(2)(b) allowed the officers to do so by opening the door farther. PO Lopez did not need consent to enter because § 87(2)(b) was going to be placed into custody and did not need a warrant because § 87(2)(b) had opened the door and there was an open complaint report against him. There was no emergency occurring inside the apartment which required the officers’ assistance.

PO Lancaster testified that § 87(2)(b) did not consent to the officers’ entry and PO Ren could not remember if § 87(2)(b) verbally or otherwise consented to the officers’ entry. PO Lancaster and PO Ren consistently testified that § 87(2)(b) never asked the officers to leave upon their entry and confirmed that the officers did not have a warrant for § 87(2)(b) nor was there an emergency occurring inside the apartment.

The Fourth Amendment has drawn a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not reasonable be crossed without a warrant. Payton v. New York, 445 U.S. 573, 100 S. Ct. 1371 (1980) (BR 08).

The “emergency doctrine” recognizes that the Constitution “is not a barrier to a police officer seeking to help someone in immediate danger.” The emergency exception is comprised of three elements: (1) the police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property; (2) the search must not be primarily motivated by an intent to arrest and seize evidence; and (3) there must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched. People v. Doll 21 N.Y.3d 665 (2013) (BR 09).

§ 87(2)(g)

Allegation (D) Discourtesy: Police Officer Luis Lopez spoke discourteously to § 87(2)(b)

§ 87(2)(b) did not allege that PO Lopez used profanity during his interaction with him. In PO Lopez's body-worn camera footage, as PO Lopez walks § 87(2)(b) out of his apartment, § 87(2)(b) attempts to run. PO Lopez's body-worn camera falls off his uniform, but his voice is heard telling § 87(2)(b) "Don't fucking play" (see player time stamp <<11:26 – 11:34>>).

While police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations. Disciplinary Case No. 2013-10143 (BR 10).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 11).
- PO Lopez has been a member of service for 17 years and has been a subject in six CCRB complaints and 13 allegations, two of which were substantiated.
 - 201605988 involved a substantiated allegation of premises entered and/or searched against PO Lopez. The Board recommended command level instructions and the NYPD imposed formalized training.
 - 201800674 involved a substantiated allegation of refusal to obtain medical treatment against PO Lopez. The Board recommended formalized training and the NYPD imposed formalized training.
 - § 87(2)(g)
- PO Lancaster has been a member of service for 17 years and has been a subject in two prior CCRB complaints and two allegations, neither of which was substantiated. § 87(2)(g)
- PO Ren has been a member of service for five years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of September 13, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR 12).

§ 87(2)(b) [§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date